

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT L. SPEELMAN, et al.

Defendants.

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Case No. 3:06cv322

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
(DOC. #13) AND REPORT AND RECOMMENDATIONS ON
DEFENDANTS' OBJECTION AND DEFENDANTS' MOTION FOR
RECONSIDERATION (DOC. #23) IN THEIR ENTIRETY; DEFENDANT-
COUNTERCLAIMANTS OBJECTIONS TO SAID JUDICIAL FILINGS
(DOCS. #14 AND #24) OVERRULED; DEFENDANT-
COUNTERCLAIMANT ROBERT L. SPEELMAN'S COUNTERCLAIM
DISMISSED FOR LACK OF SUBJECT MATTER JURISDICTION; MATTER
REMAINS WITH UNITED STATES MAGISTRATE JUDGE

Based upon the reasoning and citations of authority set forth by the United States Magistrate Judge in his Report and Recommendations (Doc. #13), filed March 19, 2007, and in his Report and Recommendations on Defendants' Objections and Defendants' Motion for Reconsideration (Doc. #23), filed May 30, 2007, said Reports and Recommendations are adopted in their entirety. The Objections of the Defendant-Counterclaimants (Docs. #14 and #24) are overruled. The Plaintiff-Counterclaim Defendant's Motion to Dismiss the counterclaim for lack

of subject matter jurisdiction (Doc. #7) is sustained, in its entirety. The Court notes that the Defendant-Counterclaimant Karen Speelman's counterclaim was dismissed by the Magistrate Judge, a ruling adopted by this Court herein, on May 3, 2007 (Doc. #18); the Plaintiff-Counterclaim Defendant's Motion to Dismiss the Counterclaim, based upon the procedural posture presented to this Court, applies only to the counterclaim of the Defendant Robert L. Speelman. Accordingly, the counterclaims of both Defendants-Counterclaimants are now dismissed.

This matter remains with the United States Magistrate Judge for further proceedings.

/s/ Walter Herbert Rice

January 31, 2008

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

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